

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 44-130 that are pending in the above-identified patent application. Claims 44-124 stand rejected. Applicant has amended claims 44, 51, 54, 57, 63, 64, 68, 71, 75, 78, 81, and 83, and has added new claims 125-130 herein. Support for the amendments is found in at least FIGS. 4, 6-8, 10, 12A-12B, 15, and 27, and paragraphs [0034], [0043-0059], [0126], [0139], [0144-0168], [0176-0186], and [0222-0235] of the specification as originally filed. No new matter has been added by the amendments herein. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

Information Disclosure Statement:

At numbered part 1 of the Office Action, the Examiner has objected to the May 8, 2007 and August 24, 2006 Information Disclosure Statements for allegedly not including copies of references: JP 10-91638, published 1998-04-10, and ISR of PCT/JP05/015770. Applicant respectfully disagrees with the Examiner. Applicant previously submitted legible copies of references JP 10-91638, published 1998-04-10, and ISR of PCT/JP05/015770. Both references are viewable from PAIR, and both references include English translations of the relevant sections. Accordingly, Applicant respectfully requests that the Examiner consider the May 8, 2007 and August 24, 2006 Information Disclosure Statements.

Claim Rejections under 35 U.S.C. §101:

At numbered part 3 of the Office Action, the Examiner has rejected claims 44-124 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner alleges that the claims encompass a mere collection of software module and thus lack the necessary physical articles or objects (e.g., hardware elements) to constitute a machine or a manufacture within the meaning of 35 U.S.C. §101. Applicant has amended independent claims 44, 51, 54, 57, 63, 64, 68, 71, 75, 78, 81, and 83 to recite “at least one processing unit”. As such, the subject independent claims recite computer structure (e.g., hardware elements) to constitute a

machine or a manufacture within the meaning of 35 U.S.C. §101, and are directed to statutory subject matter. The subject dependent claims and new dependent claims 125-126, which depend from the subject independent claims, are, therefore, likewise directed to statutory subject matter. New independent claims 127 and 129 similarly recite “at least one processing unit”, and are, therefore, directed to statutory subject matter. As claims 128 and 130 depend from 127 and 129, respectively, claims 128 and 130 are, therefore, likewise directed to statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner’s §101 claim rejections be withdrawn.

Claim Rejections under 35 U.S.C. §112, second paragraph:

At numbered parts 5-6 of the Office Action, the Examiner has rejected claims 44-124 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, with regard to independent claims 44, 51, 54, 57, 63, 64, 68, 78, 81, and 83, the Examiner alleges that there are no criteria for determining the meaning of the terminology “a degree of reliability”, and for determining how much increase/decrease in such reliability is required. With regard to independent claims 71 and 75, the Examiner alleges that there are no criteria for determining how an asset value is to be estimated, and for determining how much increase/decrease in such value is required.

Applicant has amended independent claims 44, 51, 54, 57, 63, 64, 68, 78, 81, and 83 to recite “increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated”. Applicant submits that at least paragraphs [0043-0059], [0176-0186], and [0222-0235] of the specification as originally filed contain criteria for determining the meaning of a value that is indicative of a degree of reliability, and for determining how an increase or decrease is performed. As such, one skilled in the art would be reasonably apprised of the scope of the claims, and would understand the meaning of a value and how to increase and/or decrease the value as clearly recited in the subject independent claims. As such, amended independent claims 44, 51, 54, 57, 63, 64, 68, 78, 81, and 83 are definite.

Applicant has amended independent claims 71 and 75 to remove the term “estimated” such that independent claims 71 and 75 recite “increases or decreases an asset value for the contents to

be evaluated, based on the client information.” Applicant submits that at least paragraphs [0126], [0139], and [0144-0168] of the specification as originally filed contain criteria for determining the meaning of an asset value for the contents to be evaluated, and for determining how an increase or decrease is performed. As such, one skilled in the art would be reasonably apprised of the scope of the claims, and would understand the meaning of an asset value and how to increase and/or decrease the asset value as clearly recited in the subject independent claims. As such, amended independent claims 71 and 75 are definite.

In view of the above, the subject dependent claims and new dependent claims 125-126, which depend from amended independent claims 44, 51, 54, 57, 63, 64, 68, 71, 75, 78, 81, and 83, are, therefore, likewise definite. Accordingly, Applicant respectfully requests that the Examiner’s §112, second paragraph, claim rejections be withdrawn.

Claim Rejections under 35 U.S.C. §103:

At numbered parts 7-8 of the Office Action, the Examiner has rejected claims 44-50, 63-77, 85, and 89 under 35 U.S.C. §103(a) as being unpatentable over Vora et al. (U.S. Pat. No. 5,819,273) (hereinafter referred to as “Vora”) in view of Hurst-Hiller et al. (U.S. Pat. Pub. No. 2006/0015573) (hereinafter referred to as “Hurst-Hiller”). In view of the amendments herein, Applicant respectfully traverses the Examiner’s rejections.

Amended independent claims 44, 63, 64, and 68 of the instant application recite, in part, “a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability of the contents to be evaluated”. (Emphasis added.)

The Examiner alleges that Vora discloses teaching the scheduling of a search request (see Fig. 2, 201). Applicant respectfully acknowledges the Examiner’s concession that Vora does not teach the remaining limitations as previously recited, such as “a reliability control unit which increases or decreases a degree of reliability of the contents to be evaluated”. Consequently, Vora cannot, and does not, teach a reliability control unit that increases or decreases a value, which is indicative of a degree of reliability as recited in amended independent claims 44, 63, 64, and 68 of the instant application.

Hurst-Hiller does not disclose or suggest a reliability control unit that increases or decreases a value, which is indicative of a degree of reliability as recited in amended independent claims 44, 63, 64, and 68 of the instant application. From the abstract, as cited by the Examiner, Hurst-Hiller states that “[t]he user may be given a choice...to view a stored version of the site they were attempting to access, so that some or all of the desired information may still be accessed.” Indeed, Hurst-Hiller merely teaches technology to display the predetermined cache data (which is stored in advance) when the user cannot find the site of destination. Hurst-Hiller is silent on increasing or decreasing a value, which is indicative of a degree of reliability as recited. Consequently, Hurst-Hiller is silent on a reliability control unit that performs the function of increasing or decreasing the value as recited in amended independent claims 44, 63, 64, and 68 of the instant application. As such, Hurst-Hiller cannot, and does not, cure the aforementioned deficiencies of Vora.

In contrast, the present invention as recited in amended independent claims 44, 63, 64, and 68 of the instant application includes a reliability control unit that increases or decreases a value, which is indicative of a degree of reliability. By way of example, from FIGS. 3-4 of the instant application, at least one embodiment as recited in amended independent claims 44, 63, 64, and 68 of the instant application includes a reliability control unit 130. The reliability control unit 130 may increase a value, which is indicative of the reliability degree of the contents for data 314, stored in the reliability column 310. Depending on whether the information is reliable or not, the reliability control unit 130 may increase the value of “600” for data 314 by a range of increase, which is stored in column 312, of “5” for data 314, or alternatively, may decrease the value of “600”, which is indicative of the degree of reliability, by “5”, which is indicative of the range of increase and/or decrease. The reliability control unit 130 may increase or decrease the value depending on whether the data 314 is more reliable or less reliable, respectively. Various methods of determining reliability are discussed at length in the specification of the instant application as originally filed. For example, from paragraphs [0043-0046], the specification of the instant application as originally filed states that:

when it was possible to collect the contents to be evaluated from a web page, the reliability controlling unit 130 increases the reliability degree that has been set for the contents to be evaluated, by a predetermined range of increase. Alternatively,

when the collecting unit 128 was unable to collect the contents to be evaluated from the web page, the reliability degree that has been set for the contents to be evaluated is decreased. (Emphasis added.)

As established above, the teachings of Vora and Hurst-Hiller lack the necessary structure to perform the function of increasing or decreasing a value, which is indicative of a degree of reliability of the contents to be evaluated as recited. On at least this basis alone, the teachings of Vora and Hurst-Hiller cannot, and do not, result in the present invention as recited in amended independent claims 44, 63, 64, and 68 of the instant application, and amended independent claims 44, 63, 64, and 68 are patentable. As the subject dependent claims, depend from amended independent claims 44, 63, 64, and 68, and recite additional patentable features, the subject dependent claims are, therefore, likewise patentable.

Amended independent claims 71 and 75 of the instant application recite, in part, “an asset value varying unit which increases or decreases an asset value for the contents to be evaluated, based on the client information”. (Emphasis added.)

Applicant respectfully acknowledges the Examiner’s concession that Vora does not teach various limitations as recited in claims 71 and 75 of the instant application, such as “an asset value varying unit which increases or decreases an asset value estimated for the contents to be evaluated, based on the client information”. Consequently, Vora cannot, and does not, teach an asset value varying unit which increases or decreases an asset value for the contents to be evaluated as recited in amended independent claims 71 and 75 of the instant application.

Hurst-Hiller does not disclose or suggest an asset value varying unit which increases or decreases an asset value for the contents to be evaluated, based on the client information as recited in amended independent claims 71 and 75 of the instant application. From the abstract, as cited by the Examiner, Hurst-Hiller states that “[I]he user may be given a choice...to view a stored version of the site they were attempting to access, so that some or all of the desired information may still be accessed.” Indeed, Hurst-Hiller is silent on an asset value, let alone increasing or decreasing an asset value, which is indicative of a degree of reliability as recited. Consequently, Hurst-Hiller is silent on an asset value varying unit that performs the function of increasing or decreasing the asset

value as recited in amended independent claims 71 and 75 of the instant application. As such, Hurst-Hiller cannot, and does not, cure the aforementioned deficiencies of Vora.

In view of the above, the teachings of Vora and Hurst-Hiller lack the necessary structure to perform the function of increasing or decreasing an asset value as recited in amended independent claims 71 and 75 of the instant application. On at least this basis alone, the teachings of Vora and Hurst-Hiller cannot, and do not, result in the present invention as recited in amended independent claims 71 and 75 of the instant application, and amended independent claims 71 and 75 are patentable. As the subject dependent claims, depend from amended independent claims 71 and 75, and recite additional patentable features, the subject dependent claims are, therefore, likewise patentable.

Independent claims 127 and 129 recite, in part, “an asset value calculating unit which calculates a profit in a transaction related to the contents, and calculates an asset value by use of the profit.”

The reasons for patentability of amended independent claims 71 and 75 over Vora and Hurst-Hiller as discussed above apply with equal weight to independent claims 127 and 129 of the instant application. The teachings of Vora and Hurst-Hiller are silent on an asset value, and on calculating a profit in a transaction related to the contents. As such, the teachings of Vora and Hurst-Hiller are, consequently, silent on calculating an asset value by use of the profit. Therefore, the teachings of Vora and Hurst-Hiller cannot, and do not, result in the present invention as recited in independent claims 127 and 129 of the instant application, and claims 127 and 129 are patentable. As claims 128 and 130 depend from independent claims 127 and 129, respectively, and recite additional patentable features, claims 128 and 130 are, therefore, likewise patentable.

At numbered part 9 of the Office Action, the Examiner has rejected claims 51-62, 78-84, 86-88, and 90-124 under 35 U.S.C. §103(a) as being unpatentable over Vora in view of Hurst-Hiller in further view of Hogan et al. (U.S. Pat. No. 7,299,222) (hereinafter referred to as “Hogan”). In view of the amendments herein, Applicant respectfully traverses the Examiner’s rejections.

Amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application recite, in part, “a reliability control unit which increases or decreases a value, which is indicative of a

degree of reliability" of contents. (Emphasis added.) Independent claim 57 further recites "increases or decreases...a value, which is indicative of a degree of reliability of other contents".

Amended independent claims 51, 57, 78, and 83 of the instant application further recite, in part, comparing the contents to be evaluated with other collected contents.

With regard to independent claims 51, 57, 78, and 83 of the instant application, the Examiner alleges that Hogan discloses indicating that a result page has been refreshed within the last 48 hours such that Hogan discloses comparing the contents to be evaluated with other collected contents (see, FIG. 1D, 105). Applicant respectfully disagrees with the Examiner.

The reasons for patentability of amended independent claims 44, 63, 64, and 68 of the instant application over the teachings of Vora and Hurst-Hiller apply with equal weight to amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application. As established above, the teachings of Vora and Hurst-Hiller cannot, and do not, disclose or suggest a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability as recited in amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application.

Hogan does not disclose or suggest a reliability control unit which increases or decreases a value, which is indicative of a degree of reliability as recited in amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application. From FIG. 1D and col. 6, lines 20-29, as cited by the Examiner, Hogan teaches at element 105 that a web page (e.g., the Internet Explorer Home Page) has been refreshed within the last 48 hours. Indeed, Hogan is silent on increasing or decreasing a value, which is indicative of a degree of reliability, let alone on a reliability control unit to perform the function as recited.

Additionally, with regard to amended independent claims 51, 57, 78, and 83 of the instant application, Hogan is silent on comparing content. Any allegations that a determination that a web page has been refreshed, as taught by Hogan, "may" or "could" involve comparison of contents is not sufficient to establish that the Hogan device inherently compares content as recited in amended independent claims 51, 57, 78, and 83 of the instant application. According to MPEP §2112, to establish inherency, the extrinsic evidence must:

make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of

ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Establishing that a reference inherently discloses a feature is not an easy burden (MPEP §2112 (IV)), and is only supported when the alleged inherent characteristic necessarily follows from the express teachings of the prior art. As discussed above, Hogan is silent on comparing content as recited. As such, comparing content as recited in amended independent claims 51, 57, 78, and 83 does not necessarily follow from the teachings of Hogan.

In view of the above, the teachings of Hogan cannot, and do not, cure the deficiencies of Vora and Hurst-Hiller with respect to amended independent claims 51, 54, 57, 78, 81, and 83 of the instant application. As such, amended independent claims 51, 54, 57, 78, 81, and 83 are patentable.

In view of the above, Applicant respectfully requests that the Examiner's §103 rejections be withdrawn.

Conclusion:

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. The fee for the new claims is included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

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